

CHAPTER II. ROLES AND RESPONSIBILITIES

This section identifies Small Business (SB) and Disabled Veterans Business Enterprise (DVBE) program roles and responsibilities for SB/DVBE Advocates, executive management, project managers, and program areas; including contracting and procurement staff, and fiscal staff (budgets and accounting). Basically, the roles and responsibilities in a SB/DVBE program are tied to the advocates; however, an effective program also requires the involvement of other areas within the departmental structure.

The chart below identifies the roles and responsibilities of the SB/DVBE Advocate, based on legislation. The roles and responsibilities following the chart are additional suggestions, which are highly recommended to assist your organization in developing a successful SB/DVBE program.

SB/DVBE Advocate's Legislative Mandates

Government Code Section 14846	Military & Veterans Code Section MVC 999.12
<ul style="list-style-type: none">• Make information regarding pending solicitations available to, and consider offers from, California SB suppliers capable of meeting the state's business need, and who have registered with the state for this purpose.• Ensure that payments due on a contract with a SB are made promptly.	<ul style="list-style-type: none">• Assist certified DVBE firms participate in that agency's contracting process.• Assist contract officers in seeking DVBE firms to participate in the agency's contract and procurement activities.• Disseminate information to the agency's contract and procurement staff.• Serve as an advocate for DVBE firms that are utilized as the agency's contractors or subcontractors.• Report to the Office of SB Certification and Resources regarding any violation of this article.• Coordinate with the State DVBE Advocate at the Department of Veterans Affairs in an effort to meet the statewide 3-percent goal.

SB/DVBE Advocates

In addition to legislatively mandated responsibilities, it may be necessary for the SB/DVBE Advocate to have the following responsibilities:

- Knowledge of any regulatory changes that may affect your department's SB/DVBE program.
- Awareness of and ability to track new legislation involving the SB/DVBE program. Provide input regarding how legislation proposed or sponsored by your department may impact the SB/DVBE program.
- Involvement with your department's policies/regulation development as they may affect the SB/DVBE program.
- Promote and implement the "SB/DVBE Option" (streamline bidding practices) as permitted by GC Section 14838.5; and within the guidelines provided in State Contracting Manual (5.80 C.) and Purchasing Authority Manual (3.2.4, 4.A3.4, 4.B8.0 et. seq.).
- Assist SB and DVBE firms in speedy resolution of contract disputes between the department and SB and DVBE firms.
- Provide SB and DVBE certification information to non-certified SB and non-certified disabled veteran owned businesses, and encourage them to become certified.
- Assist SB and DVBE firms in obtaining expeditious approval of certifications when there is a pending award of a contract.
- Assist prime contractors in identifying SB and DVBE subcontractors.
- Provide presentations and training to management, contracting staff and procurement staff regarding compliance and implementation of SB/DVBE program mandates.
- Connect SB and DVBE suppliers with compatible purchasers.
- Attend SB/DVBE Advocate meetings, Small Business Council meetings, and DVBE Council meetings.
- Participate in outreach events, such as opportunity fairs, trade shows, and state sponsored economic conferences.
- Conduct outreach events and/or meetings to introduce SB and DVBE firms to the department's contracting and procurement needs and procedures.
- Maintain and distribute up-to-date list(s) of SB and DVBE firms and to purchasing units within their department.
- Provide progress reports regarding the SB/DVBE program to executive management and to agency upon request.
- Provide biannual and annual reports involving SB, microbusiness (MB), and DVBE levels of participation as required by DGS and California Department of Veteran Affairs (CDVA).

- Knowledge of pertinent Department of General Services (DGS) and other website resources, which provide a wealth of information for SB and DVBE firms (see below).
 - www.pd.dgs.ca.gov - DGS's Procurement Division homepage
 - <http://www.pd.dgs.ca.gov/sell/default.htm> - provides information on how to do business with the State of California
 - <http://www.pd.dgs.ca.gov/smbus/advocate.htm> - provides the statewide Directory of SB/DVBE Advocates.
 - <http://www.pd.dgs.ca.gov/smbus/sbcert.htm> - provides the benefits and eligibility requirements of SB certification and access to the SB certification application
 - <http://www.pd.dgs.ca.gov/smbus/dvbecert.htm> - provides the benefits and eligibility requirements of DVBE certification and access to the DVBE certification application
 - <https://www.cscr.dgs.ca.gov/cscr/> - provides access to the California State Contracts Register
 - <http://www.pd.dgs.ca.gov/smbus/default.htm> - provides numerous links to California's SB and DVBE services
 - <http://www.pd.dgs.ca.gov/smbus/relatedsites.htm#federal> - provides numerous links to other state, federal, county and non-government websites, including a list of Small Business Development Centers and DVBE organizations

To assist in developing the position of SB/DVBE Advocate, the following sample of an SB/DVBE Advocate duty statement is provided:

<i>SB/DVBE ADVOCATE - SAMPLE DUTY STATEMENT</i>
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DUTY STATEMENT
For the Appointment of:

SMALL BUSINESS AND DISABLED VETERAN BUSINESS ENTERPRISE ADVOCATE

The Small Business (SB) and Disabled Veteran Business Enterprise (DVBE) Advocate (herein referenced as SB/DVBE Advocate) performs under the direct supervision of the Staff Services Manager I, Standardization Unit, within the Business Management Branch, within the Office of Business Services (OBS), within the Support Services Division.

The incumbent will function as the SB/DVBE Advocate for the Department's central office. This position is established, in part, pursuant to Government Code Section 14846 and Military & Veterans Code Section 999.12, and includes the following duties:

30% Perform technical and complex duties to implement and maintain the Department's action plan developed pursuant to Executive Orders S-02-06 (SB) and D-43-01 (DVBE). (These orders require State agencies to aggressively pursue an annual 25 percent SB and 3 percent DVBE participation level in contracting of goods, construction, information technologies and services.) This position will:

- Advise and provide technical assistance to OBS staff in developing changes to contract and procurement processes on a statewide basis;
- Implement creative and aggressive methods to enhance contracting and procurement opportunities for SB and DVBE firms and raise the Department's current SB and DVBE participation levels; and
- Interpret, advise and make independent recommendations to management on new procedures; and independently organize and develop new contract and procurement administration procedures, forms and management information systems.

(NOTE: It is anticipated that this position will be required to travel 10 percent to 15 percent of the time until the action plan is fully implemented and/or to participate in statewide training and/or outreach events.)

30% Represent the Department's central office as the SB/DVBE Advocate to seek and encourage SB and DVBE participation in purchasing of goods/services statewide; liaison with the Department of General Services (DGS) on SB/DVBE program issues; provide the SB and DVBE community with contacts to contracting and procurement staff for business opportunities; and, oversee that SB firms are paid promptly in accordance with the Prompt Payment Act.

15% Generate and respond to inquiries and correspondence regarding contracting and procurement practices, procedures, activities and issues affecting SB and DVBE firms; conduct presentations on the SB/DVBE program to line and branch staff; and, complete a diversity of the most complex administrative assignments (e.g., legislative bill analysis, proposed regulations, etc.).

10% Provide guidance, consultation and training to line programs or interested parties regarding laws, rules, regulations and departmental processes affecting SB and DVBE firms; and, gather and analyze data to make appropriate recommendations in determining the necessity for process modifications.

- 5% Develop and maintain SB and DVBE outreach material that can be provided to requesters and presented at events; and, liaison with bidders and contractors to encourage and facilitate certification.
 - 5% Confer with line programs to independently resolve diverse, sensitive and/or complex issues received from SB and DVBE firms, interested parties or control agencies; and, represent the Department at Small Business Advisory Council, DVBE Advisory Council, DVBE alliance events and SB/DVBE meetings that include control agencies, other State agencies/departments and the private sector.
 - 5% Gather, compile and analyze biannual and annual reports to the DGS and Department of Veteran Affairs regarding the Department's participation levels. Analyze and modify the Department's data collection processes to ensure participation levels are captured and accurately reported.
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WORKING WITH YOUR DEPARTMENT STAFF

In addition to the mandates and suggested responsibilities, the SB/DVBE Advocate needs to work closely with all of the following staff to insure successful delivery of SB/DVBE program goals:

Executive Management and Project Managers

Ensure that laws, regulations, policies and directives involving the SB/DVBE program are implemented in their respective area of management. Also, ensure that contracting and purchasing staff comply with the SB/DVBE program mandates and coordinate their efforts with the SB/DVBE Advocate.

Ensure their areas of responsibility provide pertinent biannual and annual reports involving SB, MB and DVBE levels of participation as required to DGS and CDVA. (For specific information on reporting requirements, see Section VI. of this manual.)

Contracting and Procurement Staff

Ensure that SB and DVBE participation is sought in contracting and purchasing to attain the annual 25 percent SB and three percent DVBE participation goals. Consider SB and DVBE firms under the California Multiple Award Schedule (CMAS) prior to contracting.

Whenever feasible, utilize the "SB/DVBE Option" permitted by GC Section 14838.5. Guidelines for the SB/DVBE Option are available in the State Contracting Manual (5.80 C.) and Purchasing Authority Manual (3.2.4, 4.A3.4, 4.B8.0 et. seq.).

Ensure that the five percent bidder's preference is appropriately applied to SB when awarding contracts and purchases.

Consider the following when determining a bidder's award eligibility:

- The necessary facilities, organizational capability, experience, managerial and technical competency and skills, and financial resources to fulfill the terms of the contract.
- The capability to comply with required delivery or performance schedules while taking into consideration other business commitments.
- The history of service performance, as demonstrated by a results-oriented track record, written performance evaluations, or other relevant information obtained from references.
- For prime contractors, determine if the SB and DVBE participation goals of contracts have been met or compliance with good faith effort requirements has been fulfilled.

Fiscal Staff (Budgets and Accounting)

Pursuant to GC Section 927 et seq., ensure compliance with the [Prompt Payment Act](#), which requires that state agencies make timely payment of invoices (within 45 calendar days) or pay interest penalties.

If the supplier is a certified SB/DVBE, the state agency shall pay a penalty of a certain percentage of the amount due, per calendar day, from the required payment date. Late payment penalties accrue even if the Budget Act has not been signed.